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Croatia

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	ICERD (1992)		ICRMW
	ICESCR (1992)		ICPPED (signature, 2007)
	ICCPR (1992)		
	ICCPR-OP 2 (1995)		
	CEDAW (1992)		
	CAT (1992)		
	OP-CAT (2005)		
	CRC (1992)		
	OP-CRC-AC (2002)		
	OP-CRC-SC (2002)		
	CRPD (2007)		
	ICPPED (signature, 2007)		
Reservations and/or declarations	ICCPR-OP 1 (Declaration, art.5 (2)(a), 1995)		
	OP-CRC-AC (Declaration, art.3 (2), minimum age of recruitment 18 years, 2002)		
Complaints procedures, inquiries and urgent action[3]	ICCPR, art. 41 (1995)	OP-CRC-IC (signature, 2013)	ICERD, art. 14
	ICCPR-OP 1 (1995)		OP-ICESCR
	OP-CEDAW, art. 8 (2001)		OP-CRC-IC (signature, 2013)
	CAT, arts. 20, 21 and 22 (1992)		ICRMW
	OP-CRPD, art. 6 (2007)		ICPPED (signature, 2007)

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide	1961 Convention on stateless persons[8]	ILO Conventions Nos. 169 and 189[9]
	Rome Statute of the International Criminal Court		
	Palermo Protocol[4]		

Status during previous cycle	*Action after review*	*Not ratified*
Conventions on refugees and stateless persons,[5] except 1961 Convention on stateless persons		
Geneva Conventions of 12 August 1949 and Additional Protocols I, II and III[6]		
ILO fundamental conventions[7]		
UNESCO Convention against Discrimination in Education		

1. In 2014, the Committee on the Rights of the Child (CRC) recommended that Croatia ratify OP-CRC-IC.[10] CRC and the Committee against Torture (CAT) invited Croatia to ratify ICRMW and ICPPED.[11]

2. CRC recommended that Croatia consider ratifying the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.[12]

3. The Special Rapporteur on violence against women, its causes and consequences recommended that Croatia ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence, and relevant United Nations conventions.[13]

B. Constitutional and legislative framework

4. The Special Rapporteur on violence against women recommended that Croatia amend the Law on Protection against Domestic Violence to redefine psychological and economic violence, to ensure that the definition of domestic violence specifically included stalking, or a pattern of harassing or threatening behaviours, and to allow urgent protective measures to be issued if there is a fear of imminent physical harm.[14]

5. The ILO Committee of Experts on the Application of Conventions and Recommendations requested that the Government provide information concerning allegations of excessive court delays in dealing with cases of anti-union discrimination.[15]

6. Recalling that, in general, a legal provision which allows one party to modify unilaterally the content of signed collective agreements is contrary to the principles of collective bargaining, the ILO Committee of Experts once again requested that the Government provide, with its next report to the Committee, a copy of the relevant legislative provisions and information on their application in practice.[16]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[17]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[18]
Office of the Ombudsman	A	A (July 2013)

7. CAT welcomed the entry into force of the Act on the Ombudsman in 2011,[19] and the efforts of the Office of the Ombudsman, which also performed the function of a national preventive mechanism. It urged Croatia to provide the necessary resources to ensure the

independent and effective operation of the Office of the Ombudsman and the national preventive mechanism. It also urged Croatia to strengthen the independent monitoring of places of deprivation of liberty via the national preventive mechanism. It said that Croatia should cooperate with civil society organizations to allow them to conduct independent monitoring of places of deprivation of liberty and ensure that the recommendations of the monitoring bodies were considered with respect to implementation.[20]

8. The Special Rapporteur on violence against women recommended strengthening the capacity of, inter alia, the Ombudsperson on Gender Equality and the Ombudsperson for Persons with Disabilities, to implement programmes aimed at bringing about change in society's perception of women generally, and of women who belong to marginalized communities and groups in particular.[21]

9. While noting the progress achieved by Croatia in keeping a separate, independent Ombudsman for Children and in strengthening the mandate thereof, CRC was concerned that draft legislation concerning children was not always made available to the Ombudsman. It recommended that Croatia ensure that the Ombudsman for Children could effectively carry out its mandate and continue to strengthen its independence, to ensure full compliance with the Paris Principles.[22]

10. CRC noted the positive results achieved through the implementation of the National Plan of Activities for the Rights and Interests of Children 2006–2012. However, it was concerned that the new National Strategy for the Rights of Children 2014–2020 had not yet been adopted. It recommended that Croatia expedite its adoption and ensure its effective implementation.[23]

11. CRC was concerned about the insufficient coordination between different government bodies dealing with the welfare of children at various levels and insufficient implementation of recommendations of the Council for Children by relevant government bodies in practice. It recommended that Croatia strengthen the capacity and authority of the coordinating bodies and provide the necessary resources for their effective functioning.[24]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[25]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	March 2009	–	–	Combined ninth and tenth reports overdue since 2011
CESCR	November 2001	–	–	Second report overdue since 2006
HR Committee	October 2009	2014	–	Third report pending consideration in March 2015
CEDAW	May 2005	2013	–	Combined fourth and fifth reports pending consideration in July 2015
CAT	May 2004	2013	November 2014	Sixth report due in 2018

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CRC	October 2004	2011	September 2014	Combined fifth and sixth reports due in 2019
				Initial OP-CRC-SC report overdue since 2004
CRPD	-	2011	-	Initial report pending consideration in March 2015

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2010	Discrimination against minorities and hate crimes; war crimes; and freedom of the press.[26]	2011.[27] Further information requested.[28]
CAT	2015	Legal safeguards against torture; monitoring of places of deprivation of liberty; and training of personnel.[29]	–

Views

Treaty body	*Number of views*	*Status*
HR Committee	1[30]	Follow-up concluded.[31]

B. Cooperation with special procedures[32]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Adequate housing	Violence against Women
	Internally displaced persons	Enforced disappearances
Visits agreed to in principle	Racism	–
Visits requested	–	–

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

12. The Special Rapporteur on violence against women recommended that the existing gender disparities in the public and private sectors be addressed, by effectively implementing the measures provided for in the Constitution and other legislation and policies, to increase the number of women, including from marginalized groups, in the political, economic, social, cultural and judicial spheres.[33]

13. CRC was concerned that de facto discrimination continued to be prevalent against children in marginalized and disadvantaged situations. It recommended that Croatia ensure the effective elimination of any form of discrimination against children, and ensure that its programmes addressed the situation of discrimination against children in marginalized and disadvantaged situations, including children belonging to ethnic and religious minority groups, Roma children, children living in poverty, children with malignant or rare diseases, and foreign children.[34]

14. CRC welcomed the accession of Croatia to the 1961 Convention on the Reduction of Statelessness, and the adoption of the National Strategy for Roma Inclusion and its related action plan, but was concerned that the Strategy did not adequately address the issue of citizenship for Roma children. It remained concerned that the Act on Croatian Citizenship did not guarantee citizenship for all children born on Croatian territory, and reiterated its recommendation that Croatia ensure that all provisions of the Act were in conformity with article 7 of the Convention and the 1961 Convention on the Reduction of Statelessness and that the law was implemented in a non-discriminatory manner.[35]

B. Right to life, liberty and security of the person

15. The Working Group on Enforced or Involuntary Disappearances highlighted the fact that enforced disappearance did not exist in current legislation as a separate crime and recommended that it be included in the domestic criminal codes without delay, noting that a comprehensive framework for compensation and reparation for victims and their relatives was also needed.[36]

16. The Working Group on Enforced Disappearances stressed that full and transparent exchange of information and data was essential to clarify the fate and whereabouts of those still unaccounted for and to guarantee the right to truth and justice of victims, but also to build trust and confidence among all parties involved.[37] All archives should be open and accessible, including those in the hands of other governments and international actors and institutions.[38]

17. CAT was concerned at reports of ill treatment of persons belonging to ethnic minorities and of lesbian, gay, bisexual and transgender persons both by law enforcement officials and private individuals. It stressed that all alleged acts of torture or ill treatment should be subject to investigation.[39]

18. CAT welcomed the adoption of the Law on Protection of Persons with Mental Disorders, but remained concerned over reports of the continued use of various means of physical restraint in psychiatric institutions. It recommended that means of restraint should be used only as a last resort to prevent the risk of harm to the individual or others.[40]

19. CAT took note of the efforts made by Croatia to increase the capacity of prisons and of the decrease in the number of prisoners in correctional institutions. However, it urged Croatia to combat prison overcrowding and improve material conditions in the prisons, psychiatric institutions and in the detention facility for foreigners in Ježevo.[41]

20. CAT was concerned that there was only one prison for females in Croatia, and urged Croatia to provide more correctional facilities for female prisoners.[42]

21. CAT welcomed the adoption of the Law on Protection against Domestic Violence. It was however concerned that misdemeanour judges had found domestic violence victims guilty of offences under the Law. Croatia should ensure that all allegations of violence were promptly, thoroughly and effectively investigated, that perpetrators were held accountable, and that women victims of violence obtained adequate redress, including compensation and rehabilitation.[43]

22. CRC welcomed the adoption of the National Strategy of Protection against Family Violence 2011–2016 and noted the variety of violence prevention programmes carried out. However, it was concerned that there was no adequate response to family violence or violence against children in practice and about ongoing violence experienced by children in schools, and social welfare and other institutions. CRC recommended that Croatia inter alia effectively implement the National Strategy of Protection against Family Violence 2011–2016.[44]

23. CRC welcomed the achievements made in the area of prevention and treatment of sexual exploitation and abuse and the incorporation of all the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse into the new Criminal Act. It was nevertheless concerned about the lack of adequate support systems for victims, re-victimization of children, insufficient deterrence of perpetrators and limited access to prevention programmes for children. It recommended that Croatia inter alia take all necessary measures to deter perpetrators and develop programmes and policies for prevention, and for the recovery and social reintegration of child victims.[45]

24. While noting that corporal punishment of children was prohibited in Croatia, CRC was concerned that it was still used as a disciplinary method in the family and was widely accepted in society. It recommended that Croatia end corporal punishment in all settings, in particular in the family, and promote positive, non-violent and participatory forms of child-rearing and discipline.[46]

C. Administration of justice, including impunity, and the rule of law

25. CAT was concerned that detention on remand during pretrial proceedings appeared to be the norm rather than the exception in the judicial practice of Croatian courts. It urged Croatia to ensure that the judiciary and the prosecution promoted less restrictive alternatives to detention and that individuals in pretrial detention were kept separately from convicted prisoners.[47]

26. CAT expressed its concern at the failure of Croatia to afford all persons deprived of their liberty with all fundamental legal safeguards from the very outset of detention. Croatia should immediately adopt measures to ensure that such persons had prompt and unimpeded access to an independent lawyer of their choice, and to an independent medical examination; that they might contact a family member; and that any public official who denied fundamental legal safeguards to persons deprived of their liberty was disciplined or prosecuted.[48]

27. CAT welcomed the Act on Free Legal Aid.[49] It urged Croatia to ensure that free legal aid was provided to asylum seekers and migrants in procedures related to decisions on detention.[50] UNHCR also recommended strengthening the current system of legal aid, to ensure its effective provision to vulnerable persons.[51]

28. While welcoming the efforts made by Croatia to investigate allegations of torture and ill-treatment by police officers, CAT was concerned that such allegations continued to be referred for preliminary investigation to the Internal Control Department, which had not been fully independent and effective in combating torture and ill-treatment. Croatia should ensure that every person had the right to complain of torture or ill-treatment to an effective and fully independent mechanism that would investigate and respond promptly.[52]

29. The Special Rapporteur on violence against women recommended that the Government take urgent steps to ensure that women victims of wartime violence had access to justice and reparation, including adequate psychosocial and economic support and access to health-care services. Crimes committed against them had to be acknowledged and prosecuted in line with the relevant provisions of international law, and the survivors should be granted the status of war veteran to enable them to access benefits deriving from that status.[53]

30. CAT was concerned that Croatia had not provided any compensation to victims of torture in the reporting period. It urged Croatia to provide redress, including compensation and the means for as full rehabilitation as possible.[54]

31. While welcoming the information that the prosecution of acts of torture was not limited by a statute of limitations, CAT was concerned that a number of individuals might have benefited from amnesties for acts of torture and that a number of prosecutions for war crimes had been conducted in absentia, predominantly against defendants of Serb ethnicity, and that the latter had been sentenced to much longer terms than members of the Croatian military on the same charges. CAT was particularly concerned over reports that to date only one final conviction for war crimes perpetrated during "Operation Storm" had been handed down. Croatia should ensure that all persons, including senior police officials, military personnel and political officials, suspected of complicity in and perpetration of war crimes and crimes against humanity were brought to justice, and abolish the practice of granting amnesties to persons convicted of torture or ill-treatment.[55]

32. CAT was concerned that juvenile convicts were placed in prisons. Croatia should establish a separate enclosed facility for juvenile convicts.[56] CRC was concerned that there were insufficient funds and organizations to carry out alternative measures; that children were subject to prolonged pretrial detention; that detention centres were not regularly visited by judges; that children were still detained together with adults in some institutions; and that the conditions of detention facilities for children and of reformatories were inadequate. It urged Croatia to bring its juvenile justice system fully into line with the Convention and further promote alternative measures to detention.[57]

33. The Special Rapporteur on violence against women recommended that education and training for judges be provided on all aspects of domestic violence by external providers, with the assistance of specialized women's organizations.[58]

D. Right to privacy, marriage and family life

34. While noting the measures taken to protect children against violations of their privacy, CRC was concerned that that privacy was insufficiently respected, in particular in the media, health-care and social welfare institutions, and that relevant legislation was insufficiently implemented. It recommended that Croatia ensure that children's privacy and

dignity were respected and facilitate the promotion of children as individuals and subjects of rights.[59]

35. CRC welcomed the amendment to the Social Welfare Act of 2014; however, it was concerned about the insufficient availability and quality of support services for families. It recommended that Croatia provide families with the necessary support to enable them to fulfil their obligation towards their children and to ensure their well-being and development.[60]

36. While welcoming the Master Plan for the Deinstitutionalization and Transformation of Social Welfare Institutions 2011–2018, CRC was concerned that the number of children in institutional care was not decreasing and that institutional care was the predominant means, rather than a measure of last resort, for addressing the needs of children deprived of a family environment. It recommended that Croatia fully implement the Master Plan, in particular through strengthening support for family- and community-based care for children wherever possible, and for foster care for children who could not stay with their families; establish adequate safeguards and clear criteria for determining whether a child should be placed in alternative care; and conduct periodic reviews of the placement of children in foster care and institutions.[61]

37. CRC was concerned about the limited availability of affordable and high-quality early child care and education and other community-based services, in particular for families in remote or less developed areas and in situations of poverty. It recommended allocating sufficient financial resources for the development and expansion of early childhood education, including through ensuring a sufficient number of kindergartens.[62]

E. Freedom of religion or belief, expression, and association, and right to participate in public and political life

38. UNESCO recommended that Croatia decriminalize defamation and place it in a civil code that was in accordance with international standards.[63]

39. UNESCO recommended that Croatia further develop mechanisms for self-regulation in the media.[64]

40. A 2014 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament had increased from 23.5 per cent in 2011 to 23.8 per cent in 2014.[65] The ILO Committee of Experts asked the Government to provide information on any concrete measures taken to address effectively and specifically the existing remuneration gap between men and women within the framework of the national policy.[66] It also asked the Government to continue to provide information on the practical application of section 11 of the Gender Equality Act, as well as on the measures taken to promote women's access to a wider range of jobs, including posts of responsibility and management positions, both in the private and the public sectors. It also requested more specific information on the number and proportion of female civil servants and civil service employees in posts of responsibility.[67]

F. Right to work and to just and favourable conditions of work

41. The Special Rapporteur on violence against women encouraged the Government to continue to remove practical hurdles affecting the employment of women and strengthen the social welfare system by removing impediments to the integration of women into the labour market.[68]

42. The ILO Committee of Experts asked the Government to strengthen its efforts to promote employment opportunities and to ensure equal treatment of Roma in employment and occupation, including by adopting specific measures concerning the employment of Roma women. It asked for specific information on the work of the Commission for the Monitoring of the Implementation of the National Programme for Roma as well as any available recent statistics on the number of men and women from the Roma community in the labour market, particularly those on employment, unemployment and self-employment.[69]

G. Right to social security and to an adequate standard of living

43. The Special Rapporteur on adequate housing urged national and local authorities to work together to improve the efforts undertaken to provide rural areas with basic infrastructure, while the central authorities must ensure sufficient political and financial support for the reconstruction.[70] Additionally, the Government must adopt comprehensive housing policies, to be implemented without discrimination and addressed particularly to vulnerable groups, including Roma communities.[71]

44. The Special Rapporteur on adequate housing stated that, after the transition to a privatized housing sector, the negative impact of the economic situation and of unemployment on the housing conditions of vulnerable groups had become more evident. Since the private housing market could not offer an adequate housing solution for the entire population, the housing situation of vulnerable and marginalized groups required particular attention and the adoption of durable and permanent public housing policies.[72]

45. UNHCR noted that some 12,183 families (over 30,000 persons) were awaiting housing solutions. Three quarters of them belonged to Serb minority returnees, while the remainder were Croatian Serb refugees in Serbia, Bosnia and Herzegovina and Montenegro. It recommended that Croatia uphold the commitments under the Regional Housing Plan and provide housing solutions for eligible returnees and refugees under temporary protection in Croatia and that it further accelerate the implementation of the existing national Housing Care Programme, including by increasing the budget for "housing care"; upholding all "housing care" entitlements, including buy-off benefits and removing obstacles for non-Croatian citizens; and further simplifying the application procedure for "housing care".[73] UNHCR concluded that 15 per cent of Serb minority returnees did not have access to potable running water, 33 per cent lived in villages without paved roads and 40 per cent did not have access to public transportation. Also according to UNHCR, the unemployment rate among minority returnees was 68 per cent, which was 3.6 times higher than the national average. Minority returnees were 13 times more likely to survive on less than 1,000 kuna (approximately 130 euros) per month than other citizens. One fifth of returnee families had no regular income. UNHCR recommended the prioritization of returnee communities for economic development initiatives and that returnees be given easier access to social welfare systems.[74]

H. Right to health

46. CRC welcomed the National Health Care Strategy 2012–2020.[75] It was concerned however about the uneven geographical coverage of health services for children and the shortage of health-care professionals. CRC recommended that Croatia inter alia ensure that all children enjoy equal access to health services, with particular emphasis on children in rural areas and from minority groups; allocate adequate human resources to maintain the quality of health care; and ensure adequate support for children in need of mental health care.[76]

47. While noting that measures taken by Croatia, such as the Baby-Friendly Hospital Initiative, had resulted in an increase in breastfeeding, CRC recommended that Croatia take action to improve the practice of exclusive breastfeeding, and control the marketing of breast-milk substitutes, such as in the "Happy Baby" package.[77]

48. CRC noted the efforts undertaken by Croatia to prevent and reduce alcohol consumption and smoking among adolescents. However, it was concerned that laws were not complied with or enforced. It recommended that Croatia ensure that regulations on the sale and advertising of alcohol and tobacco products to children were enforced.[78]

49. CRC was concerned about the lack of long-term, systematic health education, including on sexuality, responsible sexual behaviour and sexually transmitted infections, including HIV/AIDS. It recommended that Croatia strengthen measures to raise awareness on sexual and reproductive health, with special attention to sexually transmitted infections, and ensure systematic health education.[79]

50. CAT urged Croatia to provide medical treatment and psychological counselling for asylum-seekers.[80]

I. Right to education

51. CRC noted the efforts made by Croatia to improve inclusive education. However, it remained concerned that many children in vulnerable and disadvantaged situations did not have equal access to education. It recommended that Croatia ensure that all children had equal access to education; end segregation of Roma children; strengthen measures to move towards decentralization and pluralism in the design of educational programmes; strengthen the national plan of action for human rights education; and expand support for vocational education and training of children who had left school.[81]

52. CRC was concerned that asylum-seeking children continued to face difficulties in accessing education. It recommended that Croatia ensure that asylum-seeking children had effective and non-discriminatory access to education.[82]

53. The ILO Committee of Experts emphasized the importance of education and vocational training to improve future access to the labour market and asked the Government to ensure equal access to education, including preschool education, for Roma children, without discrimination.[83]

54. UNESCO recommended that Croatia improve access to education, especially in special schools, and continue to submit State reports for the periodic consultations of UNESCO education-related standard-setting instruments.[84]

J. Cultural rights

55. CRC was concerned that there was a lack of adequate play spaces and facilities and that they were not properly regulated. It recommended that Croatia increase children's free access to, and regulate and improve the quality of, play and sports facilities, and cultural, leisure, and other educational and recreational activities, including in institutional settings, and provide adequate financial support for such activities.[85]

K. Persons with disabilities

56. CRC welcomed the measures taken by Croatia to provide inclusive education for children with disabilities. It was concerned however that the support system to ensure

inclusive education for children with disabilities was unevenly developed, particularly in rural areas. It urged Croatia to establish State-wide inclusive education, including through the allocation of necessary resources, and provide regular training for school personnel.[86]

57. CRC was concerned at the increasing number of children with disabilities in institutional care and at the lack of adequate treatment and care in the institutions. It was also concerned that there were incidents of ill-treatment of children with disabilities in some health-care institutions and that abandoned children with disabilities were primarily placed in health-care institutions and not in children's institutions. It urged Croatia to inter alia prevent the institutionalization of, and ensure sufficient alternative family- and community-based care options for, children with disabilities deprived of a family environment, and carry out regular inspections of institutions with long-term placement.[87]

58. The Special Rapporteur on violence against women recommended that the Ombudsperson for Persons with Disabilities seek out complaints and carefully monitor psychiatric hospitals and social care institutions to clamp down on cases of arbitrary detention, and engage actively in advocacy to monitor the implementation of CRPD.[88]

L. Minorities and indigenous peoples

59. UNESCO recommended that Croatia promote minorities' rights.[89] UNHCR stated that further efforts were required to increase the representation of minorities in the private and public sectors.[90]

60. The ILO Committee of Experts asked the Government to promote employment opportunities and to ensure equal treatment of Roma in employment and occupation, including by adopting specific measures concerning the employment of Roma women. The Committee also asked for specific information on the impact of the assistance with job searching provided for Roma by the employment service.[91]

61. The ILO Committee of Experts asked the Government to continue to provide information on the following: (a) the efforts made by the Government to promote and ensure access by members of national minorities to public employment in the framework of the Civil Service Employment Plan; (b) the progress made in achieving recruitment targets concerning minorities; and (c) the current ethnic and gender composition of the civil service.[92]

62. UNHCR recommended that Croatia further enhance access by minority returnees to existing rights, basic services and public utilities without discrimination; and ensure and increase the employment of returnees.[93]

M. Migrants, refugees and asylum seekers

63. CAT welcomed the adoption of the Migration Policy of the Republic of Croatia 2013–2015.[94]

64. CAT was concerned that asylum seekers were detained in the Ježevo Detention Centre together with migrants. Croatia should place asylum seekers in detention only in exceptional cases and regularly monitor facilities for the accommodation of asylum seekers through the national preventive mechanism or other monitoring mechanisms.[95]

65. CRC welcomed the amendments to the Foreigners Act and to the Asylum Act[96] and the adoption in 2013 of the Protocol related to the treatment of children separated from parents. It made several recommendations to Croatia, including that it effectively implement the Protocol related to the treatment of children separated from parents – foreign

nationals; ensure that all measures provided for under the Migration Policy were effectively implemented; and ensure that asylum-seeking children were provided with free legal aid or other appropriate forms of assistance throughout all stages of the asylum process.[97]

66. UNHCR indicated that in 2012 and 2013 the number of asylum seekers was above 1,000. Some 80 per cent of all asylum seekers left the country for other European Union countries before the assessment of their claim was completed, indicating that Croatia continued to be seen as a transit country. However, after the accession of Croatia to the European Union, the number of asylum seekers had dropped significantly. From January to June 2013, compared to the same period in 2014, the number of asylum seekers had gone down by 68.23 per cent. From 2004 to end July 2014, the total recognition rate stood at 18.97 per cent.[98] UNHCR recommended that Croatia provide adequate conditions for the reception of children separated from parents – foreign nationals (unaccompanied and separated children –) outside the asylum procedure; enhance the guardianship system to prevent chain guardianship; establish an efficient tracing mechanism; and provide specialized and targeted training of officials working with separated and unaccompanied children.[99]

67. UNHCR noted that, although Croatia had acceded in 2011 to the 1961 Convention on the Reduction of Statelessness as recommended in 2010, the stateless population and persons at risk of statelessness in Croatia could not be precisely determined owing to the lack of a comprehensive mechanism to identify statelessness. UNHCR gave a figure of 2,886 persons as being either stateless or of undetermined nationality. Statelessness predominantly affected persons of Roma ethnicity, who often lacked the civil registration documents to acquire or confirm their nationality. Although Croatia was a party to the 1954 Convention relating to the Status of Stateless Persons, a statelessness determination procedure had not yet been established and therefore the relevant authorities were not in a position to effectively and timely identify the number of stateless persons or persons of undetermined nationality. If Roma were not nationals of Croatia, it was the Foreigners' Act that regulated the legal status of Roma, as they were considered to be foreigners.[100] UNHCR noted that acquiring citizenship upon return could be difficult for former habitual residents. It recommended that Croatia facilitate regularization of stay for returnees whether they had been citizens or habitual residents, and naturalization for the latter group, including exemption from administrative fees for vulnerable individuals; and that it ensure access for all returnees to returnee status and related rights and benefits, irrespective of cessation of refugee status.[101]

68. UNHCR noted that in Croatia the right to return included the right to recover privately owned housing and recommended that Croatia resolve the remaining cases of unsolicited investments made on owners' houses in an efficient and just manner.[102]

69. UNHCR recommended that Croatia provide Croatian language classes to persons granted protection, without delay, and further implement all measures and activities specified in the National Migration Policy 2013–2015. It should also implement all measures listed in the Integration Action Plan which would lead to better integration of persons granted protection, such as verifying past qualifications of persons granted protection.[103]

70. UNHCR recommended that Croatia strengthen the engagement of mobile teams, in order to establish the number of persons who were either stateless or of undetermined nationality and assist them with civil registration, regularization of residence and acquisition of nationality, and establish and implement a statelessness determination procedure.[104]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Croatia from the previous cycle (A/HRC/WG.6/9/HRV/2).

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[5] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[6] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, https://www.icrc.org/IHL.

[7] International Labour Organization Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise

Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, (1999) No. 182.

[8] 1961 Convention on the Reduction of Statelessness.

[9] International Labour Organization, Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).

[10] CRC/C/HRV/CO/3-4, para. 60.

[11] CAT/C/HRV/CO/4-5, para. 19, and CRC/C/HRV/CO/3-4, para. 60.

[12] CRC/C/HRV/CO/3-4, paras. 26–27.

[13] A/HRC/23/49/Add.4, para. 74.

[14] Ibid., para. 74.

[15] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation (CEACR) concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Croatia, adopted 2013, published 103rd ILC session (2014), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3150753.

[16] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation (CEACR) concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) — Croatia, adopted 2011, published 101st ILC session (2012), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698940.

[17] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[18] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/27/40, annex.

[19] CAT/C/HRV/CO/4-5, para. 4 (b).

[20] Ibid., para. 10.

[21] A/HRC/23/49/Add.4, para. 79 (b).

[22] CRC/C/HRV/CO/3-4, paras. 16–17.

[23] Ibid., paras. 8–9.

[24] Ibid., paras. 10–11.

[25] The following abbreviations have been used in the present document:

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture;
CRC	Committee on the Rights of the Child;
CRPD	Committee on the Rights of Persons with Disabilities.

[26] CCPR/C/HRV/CO/2, para. 21.

[27] CCPR/C/HRV/CO/2/Add.1, and CCPR/C/HRV/CO/2/Add.2.

[28] Letters from HR Committee to the Permanent Mission of Croatia to the United Nations Office and other international organizations in Geneva, dated 9 May 2011, 21 November 2011, and 31 July 2012, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CRO/INT_CCPR_NGS_CRO_11889_E.pdf; http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CRO/INT_CCPR_NGS_CRO_11888_E.pdf; and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CRO/INT_CCPR_NGS_CRO_11887_E.pdf.

[29] CAT/C/HRV/CO/4-5, para. 21.

[30] CCPR/C/95/D/1510/2006.

[31] CCPR/C/100/3, pp.3–5.
[32] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[33] A/HRC/23/49/Add.4, para. 74.
[34] CRC/C/HRV/CO/3-4, paras. 20–21.
[35] Ibid., paras. 26–27.
[36] Working Group on Enforced or Involuntary Disappearances, press release, 11 July 2014.
[37] Ibid.
[38] Ibid.
[39] CAT/C/HRV/CO/4-5, para. 8.
[40] Ibid., para. 17.
[41] Ibid., para. 12.
[42] Ibid., para. 13.
[43] Ibid., para. 16.
[44] CRC/C/HRV/CO/3-4, paras. 36–37.
[45] Ibid., paras. 34–35.
[46] Ibid., paras. 32–33.
[47] CAT/C/HRV/CO/4-5, para. 6.
[48] Ibid., para. 6.
[49] Ibid., para. 4 (h).
[50] Ibid., para. 15.
[51] UNHCR submission for the UPR of Croatia, p. 7.
[52] CAT/C/HRV/CO/4-5, para. 9.
[53] A/HRC/23/49/Add.4, para. 74.
[54] CAT/C/HRV/CO/4-5, para. 14.
[55] Ibid., para. 11.
[56] Ibid., para. 13.
[57] CRC/C/HRV/CO/3-4, paras. 58–59.
[58] A/HRC/23/49/Add.4, para. 75.
[59] CRC/C/HRV/CO/3-4, paras. 28–29.
[60] Ibid., paras. 38–39.
[61] Ibid., paras. 40–41.
[62] Ibid., paras. 52–53.
[63] UNESCO submission for the UPR of Croatia, p. 10.
[64] Ibid., p. 10.
[65] United Nations Statistics Division coordinated data and analyses, available from http://mdgs.un.org/unsd/mdg .
[66] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Equal Remuneration Convention, 1951 (No. 100) — Croatia, adopted 2011, published 101st ILC session (2012), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699062.
[67] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation (CEACR) concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) — Croatia, adopted 2012, published 102nd ILC session (2013), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3065434.
[68] A/HRC/23/49/Add.4, para. 74.
[69] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation (CEACR) concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Croatia, adopted 2010, published 100th ILC session (2011), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2323870.
[70] A/HRC/16/42/Add.2, para. 83.
[71] Ibid., para. 89.
[72] Ibid., para. 91.
[73] UNHCR submission for the UPR of Croatia, pp. 5–6.
[74] Ibid., pp. 6–7.
[75] CRC/C/HRV/CO/3-4, para. 5.
[76] Ibid., paras. 44–45.

[77] Ibid., paras. 48–49.
[78] Ibid., paras. 46–47.
[79] Ibid., paras. 46–47.
[80] CAT/C/HRV/CO/4-5, para. 15.
[81] CRC/C/HRV/CO/3-4, paras. 50–51.
[82] Ibid., paras. 56–57.
[83] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation (CEACR) concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) — Croatia, adopted 2010, published 100th ILC session (2011), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2323870.
[84] UNESCO submission for the UPR of Croatia, p. 10.
[85] CRC/C/HRV/CO/3-4, paras. 54–55.
[86] Ibid., paras. 42–43.
[87] Ibid., paras. 42–43.
[88] A/HRC/23/49/Add.4, para. 77 (a).
[89] UNESCO submission for the UPR of Croatia, p. 10.
[90] UNHCR submission for the UPR of Croatia, pp. 6–7.
[91] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation (CEACR) concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) — Croatia, adopted 2012, published 102nd ILC session (2013), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3065434.
[92] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation (CEACR) concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) — Croatia, adopted 2012, published 102nd ILC session (2013), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3065434.
[93] UNHCR submission for the UPR of Croatia, p. 7.
[94] CAT/C/HRV/CO/4-5, para. 5.
[95] Ibid., para. 15.
[96] CRC/C/HRV/CO/3-4, para. 3.
[97] Ibid., paras. 56–57.
[98] UNHCR submission for the UPR of Croatia, p. 2.
[99] Ibid., p. 8.
[100] Ibid., pp. 2–4.
[101] Ibid., p. 5.
[102] Ibid., p. 7.
[103] Ibid., p. 8.
[104] Ibid., p. 9.